

Interview Agenda
July 28, 2009 at 11:00 a.m.

§102 Rejection Over Saiki

Discuss whether amending claims 32 and 34 to require "a concentration of at least 10g/l" would overcome the rejection.

§102 Rejection Over Fisher and §103 Rejection Over Fisher and Righetti

Discuss whether the buffer disclosed by Fisher is equivalent to "a liquid separating medium," as required by claim 27.

Discuss whether Fisher discloses a composition comprising both (1) a compound in a concentration of at least 10 g/l, and (2) a DNA fragment (claim 31) or DNA probes (claim 32).

§103 Rejection Over Fishel and §103 Rejection Over Fishel and Righetti/Viovy

Discuss whether the claimed concentration of at least 10 g/l, which is 1000 times greater than the concentration disclosed by Fishel, would have been the result of routine optimization by an ordinarily skilled artisan.

§103 Rejection Over Pastinen

Discuss whether the claimed concentrations of at least 1 g/l (claim 5) and at least 10 g/l (claims 1, 2, 8-11 and 25), which is 2.5×10^{11} to 2.5×10^{12} -fold greater than the concentration disclosed by Pastinen, would have been the result of routine optimization by an ordinarily skilled artisan.

Written Description and Enablement Rejection

Discuss the scope of claim 25 in relation to meeting the written description and enablement requirements under §112, first paragraph.

Discuss the claimed method's applicability to any gene (and to any DNA and RNA molecule in general) to determine the presence of a mismatch based on the fact that DNA, whether coding or non-coding, consists of the same four chemically identical nucleotides.

Discuss whether rewriting claim 25 to include additional method steps would overcome the rejections.

§112, Second Paragraph, Rejection

Discuss clarifying claims 12 and 25.